Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of: **Amendment of Parts 73 and 74 to further implement the Local Community Radio Act of 2010 and make other improvements to the Low Power Radio Service.**	)))))	**RM-11810**

REPLY COMMENTS OF THE LOW POWER FM ADVOCACY GROUP (LPFM-AG)

Herein, please accept the consolidated reply comments of the LPFM Advocacy Group (LPFM-AG) regarding the comments filed by various parties in the petition for rulemaking, RM-11810.

Reply Comments regarding Comments filed by The National Association of Broadcasters (NAB)

The comments of NAB regarding their flawed interpretation of the Local Community Radio Act (LÇRA) aside, we first have to address the implication made by NAB that LPFM stations, with brand new certified FM transmitters and near micropower levels, are more likely than other broadcasters to cause interference or to break FCC rules. NAB shows three violations of LPFM stations to make their point. However, the descriptive only shows the violations of LPFM stations and does not show a proper comparison to the violations of full power stations.

"in just the past couple of years, the Commission has taken enforcement actions against multiple LPFM stations for violating its technical and administrative rules"

NAB then listed three LPFM violations to make their point. As such, we are forced to reply by

adding the information below to *complete the comparison* and to prove there is no proclivity for an LPFM licensee to break the rules than there is for a full powered FM or FM translator licensee. As those stations are not, themselves, parties to this proceeding, we've only included the station class, city of license and description of violation. We are able to provide call letters if that becomes relevant.

FM Translator & Full Power Station Rules Violations

7/18/2018 - [FM station with translators] Kasilof, AK, and its translators. The main station was operating at reduced power without FCC consent and was silent for extended periods without consent. The FCC noted that this would, reasonably, include translators.

5/30/2018 - [FM station], Frankfort, MI. Unauthorized operations, late-filed Special Temporary Authority request, and failure to disclose material information.

4/17/2018 - [AM station], Pearsall, TX, Renewal filed over a month after the license expired, and then, after an STA was issued, operation STA expired.

12/14/2017 - [FM translator], Austin, TX, Broadcasting 13 miles from their authorized site, antenna 214 meters higher than permitted, and with a transmitter output power 15% over the authorized power.

12/13/2017 - [AM station], Mount Olive, NC, Transmission from a tower four miles from its authorized location.

7/26/2017 - [NCE-FM station], Mettler, CA, Station not operating at licensed power, was not monitoring EAS properly, and moved the transmitter without authorization to a site over 28 miles away in 2015. Deleted.

Truly, for an organization as respected as NAB to throw around vague suggestions and unsubstantiated, wild ideas about LPFM licensees, with a demonstration designed to *shame the entire LPFM service* with three very isolated incidents in order to make statements that the NAB *"lacks confidence"* due to an imagined and implied potential that renegade non-profits will break

FCC rules, is hard to understand. LPFM seems singled out as a real problem in the NAB comment, yet, there is no mention that *rules compliance* is a problem for the entire FM service, not just LPFM; but also NCE-FM, FM translators and commercial band FM. There is no evidence that LPFM stations break FCC rules and will cause any more interference than full-power stations will break rules and cause interference. It's proven by the NAB's very short list of LPFM rules violators. Since it's creation in 2000, LPFM has a history of nearly two decades that includes stations of good public service and spectrum stewards that implement proper broadcast methods. NAB's statements are a baseless insult to the entire LPFM service, for reasons that are their own.

NAB brings into question the validity for LPFM at lower power levels, further justifying an LPFM power increase. NAB quotes the Commission, *"The Commission subsequently deleted the LP10 separation tables from its rules in 2012 because it found that 10-watt stations were an inefficient use of spectrum and not economically viable."*

We agree and, to better demonstrate why, here is the distance to the 60 dBu contour for FM transmitters at different power levels. Antenna height for all is set to 30 meters.

LP-10 - 3.152 km to 60 dBu contour (10 watts)

LP-100 - 5.636 km to 60 dBu contour (100 watts - current rule)

*Proposed 250 watts - **7.089 km** to 60 dBu contour (250 watts - proposed in RM-11810)*

If NAB agrees with past statements of the FCC and considers the LP-10 service as *"an inefficient use of spectrum and not economically viable,"* and the difference in contours between LP-10 and LP-100 is just under **1.5 km**, then, it *must consider* the LPFM service, as it currently stands, to be *barely efficient* and *barely viable.* How can a roughly **1.5 km** difference in contour distance make FM power level inefficient or fully efficient? It doesn't. That's further proof that the LPFM service, at very minimum, must be able to upgrade it's contour at least another 1.5 km *(or, as we propose, 250 watts at 100 meters antenna height.)* LPFM is a mature public service, it should be ***genuinely viable*** *and* ***a fully efficient use of spectrum****,* in order to truly operate in the the public interest.

The comments of NAB make frequent mention about the *"hyperlocal"* nature of LPFM, yet they do not refer to *any* guideline or commonly accepted census definition to explain it's thinking. If LPFM, as NAB advocates, should be a *"hyperlocal"* service, shouldn't we know exactly what that means? Broadcasting to all of Earth would be *"hyperlocal"* if you think big enough. However, we'd challenge that, on a radio dial full of regional 100,000 watt Class C stations, proposed Class C4s station and FM translators that can cover multiple *counties,* often with antenna height well over 1000 feet, *"hyperlocal"* should mean, at very least, the ability to cover an entire city, border to border. To do this, including penetration of buildings and minimization of terrain obstruction, LPFM must be granted the ability to broadcast from an antenna height of 100 meters with 250 watts. FM translators have more than this ability and receive the extra signal protection it includes. LPFM, its equal secondary bandmate according to the LCRA, begs for the same *equal status*.

While justifying a different point of opposition, NAB makes the comment that the *"Commission recognized that the FM band is not static, given that FM stations often change transmitter sites either involuntarily or to improve service."* This is true, more so in the LPFM secondary service, than it ever was for full-power FM. Already, in the last 18 years, more LPFMs have been forced to change channel, move transmitter sites or return their licenses for deletion than full-power stations have; often, as the result of adjusting facilities due to a full-power station change. With a minimally sized protected service area drawn from 100 watts at 30 meters, LPFM signals are crowded and unprotected in every direction, a lack of protection not suffered by FM translators with signals that sometimes rival Class A FM stations. As such, while FM translator numbers are growing, LPFM station numbers are dropping.

NAB discusses its view of the Commission's reasoning when creating the LPFM service, however, the reasons for the creation serve no need in this discussion. What's at hand, is the current *public interest need* for improvement of LPFM. LPFM is a mature service relied upon by millions of Americans, in the most local areas, every day. To them, the reason their radio station was created means nothing. To them, reliable, efficient service is all that counts. It's hard to explain why the commercial FM translator across town covers the county while the local, non-commercial station they love barely covers half the city. In this discussion, we feel that ***public service*** should be the focus, not LPFM service origination history.

NAB references the figure of 2,170 LPFMs on the air as a demonstration of their flawed argument suggesting a success of the LPFM service; but leaves out the 1,048 granted LPFM licenses and construction permits that have been *returned to the Commission for deletion* due to *unequal status* with FM translators. That means that there should have been at least 3,200 stations in the LPFM service since 2001, not 2,170. Strangled by technical restrictions, LPFM is, unlike the description of NAB, not a success as a radio service. It is struggling. Further, unnecessary rules applied only to LPFM are causing an unnecessary strain on Commission staff due to the administration of two sets of rules that equalized technical rules for LPFM and FM translators would nearly reduce to the administration of one. Over the last 18 years, 1,048 filing processes, administrative processes and support processes added up to a huge waste of Commission resources; the end result was 1,048 LPFM deletions and no public service accomplishment.

NAB faults the REC petition for ignoring the *"negative administrative impact of allowing LPFM stations to use a contour-based interference protection scheme,"* yet, doesn't describe why the administration of LPFM, proposed at the same power that FM translators use, could be any more of a burden to FCC resources than the existing other FM services, who have efficient administration processes for the same methods. Common logic is that creating common usage spectrum parity between LPFM and existing FM translator rules should *reduce burden,* not increase it. *Equality of status* between LPFM and FM translators would include the same, commonly used regulation, thus *easier administration.* Further, contour-based interference estimation is referred to as *"respected science"* when full-powered stations, at much higher power levels and with more ability to cause interference, shape their own transmission systems. Somehow, "respected science" has an "interference quality" and "administrative burden" at lower power levels? This is a hard argument to make. In doing so, NAB seems to make an argument that should apply to all broadcast stations, not only LPFM. We do not agree. FM spectrum, at any power level, responds to the same physics, regardless of service class.

LPFM stations, in the very limited FM spectrum landscape, are often faced with more technical moves and engineering challenges than, and often due to, full power stations. Yet, NAB makes the "pre-AM revitalization translator rush" argument that the *"Commission recognized that more LPFM stations could likely be 'squeezed in' under a contour overlap approach than under*

distance separations, but specifically decided against the former because it is more complicated and resource intensive for both applicants and Commission staff." NAB fails to see the main point of the RM-11810 petition. There is no intent to *"shoehorn"* stations, instead, the need is to protect their existing coverage area and protected signal to *save them from license deletion.*

NAB is concerned that LPFM stations may have to enlist the aid of an engineering firm, *"given the growth in congestion on the FM band since LPFM was established in 2000, the preparation of such engineering exhibits may be even more complicated and expensive today."* The cost of an engineering study is often not a problem compared to losing the station. Paying for an engineering or legal firm to protect the license is a much smaller woe than to completely remove the public's local, non-commercial LPFM radio station, probably forever. NAB points out there "*the growth in congestion on the FM band."* As such, It should be obvious that LPFM, the lowest powered, less protected FM service, would be the FM broadcaster to suffer most. The only way to fix the service, before it is too late, is to allow it to raise power to 250 watts and to raise antenna height to 100 meters. Allowing each LPFM station to be buried in new FM noise is not in the public interest and does not apply *"equal in status"* treatment as required by the LCRA. Denied basic *existence protections* due to a concern that LPFM licensees might have to hire an engineering firm is, again, a moot argument; especially as most LPFM stations have experienced hiring such a firm simply to start their stations.

We should all agree, at 250 watts and similar antenna height, LPFM will cause no more interference than an FM translator, due only to status. It's simple physics. Further, a convincing argument is had that, due to the fact that all LPFM stations have always had to purchase brand new FCC certified transmitters, those stations may actually cause *less interference than FM translator stations,* who are sometimes built with old second-hand FM transmitters that spec out well below a traditional certified LPFM transmitter, like a new BW TX-300 or Nautel VS300. Those same ultra-clean LPFM certified transmitters could often be easily set to higher output power, as requested in RM-11810, and would easily be used to upgrade to 250 watts of power, with the same ultra-clean, FCC certified interference safeguards. Logically, LPFM stations at 250 watts, launched from a platform of stringent transmission rules, likely will cause *less interference than FM translators* at 250 watts, governed by more relaxed rules. Further, like most corporate station owners who do not always act as their own engineer, LPFM stations also employ contract engineers who are qualified to do the

job. In many markets with a limited engineering pool, the same engineer may both help build a full power station for a corporation, and later build an LPFM. Regardless of power, class or station status, the same engineer is likely to build the same quality station. There can be no evidence that a full power station or FM translator would be built to cause less interference than an LPFM. Both licensees face the same obstacle. Both are responsible for acting within the rules. There is no evidence that rules problems or technical construction interference problems exist throughout the LPFM service, even though, for their own reasons, it is apparent that NAB seeks to suggest that.

Finally, NAB makes the argument that the proper interpretation of the LCRA was in providing LPFM licensing opportunities "*with the need to prevent interference to FM stations and protect the technical integrity of the FM band."* However, isn't it true that every FM station, primary or secondary, must not cause interference to full-power stations? Both secondary FM services must prevent interference to primary FM stations *equally.* We argue that, due to the mandate that LPFMs must use superior, FCC certified FM transmitters, LPFM naturally might do a better job with interference protection than the current rules force FM translators to abide. Still, FM translators have a much greater ability to cause interference due to almost ridiculous differences in their power, protected coverage area and antenna height advantages. While LPFM stations are limited to the equal coverage of a maximum of 100 watts and a maximum antenna height of just 30 meters, FM translators are allowed a huge signal coverage and potential transmitter site relocation protection *advantage inequality* that violates the meaning of *"equal in status"* written in the LCRA.

For example:

-K249ED, Albertville, MN - 250 watts ERP/303 meters HAAT - ***22.667 km to 60 dBu contour***

-W299AP, Apex, NC - 250 watts ERP/500 meters HAAT - ***29.990 km to 60 dBu contour***

-K265CA, Albuquerque, NM - 250 watts ERP/1,230 meters HAAT - ***46.167 km to 60 dBu contour***

Each FM translator has a extremely large protected signal, especially when compared to any

LPFM station.

There's no doubt that these facilities *far exceed* LPFM stations in interference potential and coverage area benefits; and, due to the huge amount of protected signal, ***status***. The LCRA intended that the *status* for both services was to be the same, yet the rules obviously cripple LPFM signals against FM translators. The nation's lowest power non-commercial FM service, LPFM, is technically, *very unequal in status* to FM translators, who, while now originating programming, are also afforded much larger *protected* signals, making their future existence regulatorily assured, while ignoring the past and potentially future demise of LPFM stations and the service as a whole. FM translator rules have been fundamentally changed to allow this. New, unexpected, fringe signal interference is happening to existing micro-signal, heritage LPFM stations and its presence is ignoring the interests of millions of American listeners who listen to LPFM stations. LPFM station listeners value every inch of ground their micro-powered community station covers and wish for more. Underfunded LPFMs are forced to start internet stations and pay extra music rights fees just to reach their audience. RM-11810, with our requested changes, would level the tables and make each service finally, equal in status. The only way to fix this new and unbelievable situation is to enable protected signal parity for both LPFM and FM translators, thus equal survival capability to both services and reduced burden on Commission staff.

The proper interpretation of the LCRA should be **as written**; *equal* in secondary status. That should also mean *equal protection from demise.* The LCRA was intended to protect LPFM, yet it is being misinterpreted and harms it. The recent spectrum grab from FM translators and the potential new interference and need for transmitter relocation assured in any implementation of a new class C4 service advocated in Notice of Inquiry (MB Docket 18-184) are a perfect storm for the destruction of the LPFM service. Still, it does not look to be quite as damaging to the FM translator service, with a much larger and affordable field to find a workable new transmitter site. It could seem to the casual observer that FM translators must have a *higher status* than LPFM stations, a violation of the LCRA.

LPFM has always had the well-known problem of building penetration, even in *"hyperlocal"* areas a few blocks away. Approving the technical rules REC proposes, with one exception *(that the antenna height is also raised to 100 meters - See RM-11810 comments of Jeff Sibert)* is the

only way to do this. As far as we can see, NAB has yet to make a real argument against this.

Reply Comments regarding Comments filed by Educational Media Foundation (EMF)

1- EMF starts with a statement true to both LPFM and FM translators, the *"real possibility of being forced off the air because of interference to an existing FM station poses a risk for translator operators every time any new translator is activated or any technical change made."* The very same should be said, to an even greater degree for risk of spectrum displacement, about LPFM. In the last read of the rules, the secondary status is mutually exclusive to both LPFM and FM translators. However, protection from interference due to huge protected contours, allows FM translators a much greater advantage toward station survival than LPFM, with much fewer transmitter site options due to a much smaller protected signal. As demonstrated previously in these reply comments, FM translators have much greater interference options than LPFM and, at heights above 1000 feet in some cases, a much greater possibility to cause harmful interference and to be protected from *a lack of transmitter site options* than LPFM stations. Many new FM translators are on the air and a new C4 service is proposed, now is the time to fix this inequality before the LPFM service suffers even more. "Equal in status" *must* mean *"equal in protection"* and that can only mean *"equal in technical facilities."* Congress, with their ears on constituent voices, created the LCRA to ensure that non-commercial *LPFM would continue to exist* as much as FM translators continued to exist. At its core, the term *"equal in status"* must mean the *"equal right to exist."* FM translators have a *much* greater ability to exist in the face of impending spectrum changes than LPFM, and this must be corrected if the LCRA instruction is to be followed correctly. The LCRA is properly interpreted **as written** and, if read clearly, will instruct that neither LPFM nor FM translator should have a *benefit or advantage* over the other, thus the meaning of *"status"* as used in the LCRA. Existing equally must mean equal protection opportunities should the license be threatened. The inequality is that FM translators can be saved much more easily than any LPFM should the need to change facilities arise due to a change in the primary spectrum. The only way to remedy this is to allow LPFMs the same protected contour, we propose 250 watts (in line with RM-11810) but at 100 meters antenna height. Even as proposed, many FM translators will still have a much greater protection and signal coverage, *benefits and advantages,* than LPFM stations, however, the bridge between equality and inequality of ***status*** will be shorter. Equal broadcast facilities is the *exact definition* of equal *"status"* according to

the LCRA and, aside from the current and future spectrum changes, the current rules and limitations on LPFM not suffered by FM translators must be *"equalled."*

2- Next, EMF states *"This protection from real interference is essential for the preservation of the existing habits of radio listeners who count on hearing their favorite stations when they turn on the radio."* LPFM stations have listeners too, and, as the result of the disadvantages LPFM faces, the listeners of LPFM stations are more likely to lose their "favorite station" than the listeners of FM translators during a necessary local spectrum adjustment. With such technical underservice in a newly crowded spectrum, it is the LPFM listener who has suffered most. Their "favorite station" is harder to hear than ever. However, according to the LCRA, service to both sets of listeners are supposed to be protected equally. It's a short walk to see that the current rules will enable the survival of a typical FM translator station to be much more assured than LPFM, faced with the potential that class A FM stations may soon double their power. This is an injustice. It certainly shows clear advantage to FM translators in the *prestige, opportunity and benefit* that the words *"equal in status"* define. How can being disadvantaged in the ability to survive, the most fundamental of all benefits, be *"equal in status?"*

Due to recent new interference suffered by LPFM stations due to the introduction of new and moved secondary status FM translators, and the expectations of *much more* new interference from an expanded upgrade opportunities for primary status Class A FM stations, potentially doubling their power from 6,000 watts to 12,000 watts proposed as a new C4 service, LPFM station fringe contours have already been eliminated and now service contours will be expected to have to be adjusted even more. Many LPFM stations will not survive at all. Yet, due to the flexibility FM translators have in the FM spacing options, power limitation and antenna height rules, this is not expected to be as big a problem to them. To be equal in status means we should have an equal ability to serve listeners and to keep our stations on the air when changes in the primary spectrum occur. However, there is a clear advantage to the station with the bigger 60 dBu contour as there is usually much more protected signal space, and, thus, *affordability and opportunity*, in which to relocate their transmitters. That is not equal in protection. That is not equal in opportunity to exist. That is akin to the LPFM service being a lower status than the FM translator service. The LCRA dictate is that LPFM and FM translators will be *equal in status.* The current limitations for LPFM prove that this is not the case. The LPFM service does not even have an equal opportunity to *exist* in today's increasingly crowded

spectrum with the current regulation limits. We hope that, with RM-11810 and our proposal for higher antenna height, that the Commission, respectfully, will finally address this glaring *inequality of status.*

3- Curiously, EMF states that they believe there is *"favoritism"* for the LPFM service regarding transmitter spacing. *"EMF has long argued, and continues to believe, that LPFM stations already are granted interference rights more liberal than those accorded to translators, in violation of the terms of the Local Community Radio Act ("LÇRA"). The proposals set out in REC's Petition would only make such favoritism worse."* As a service limited to expensive certified, brand new transmitters, and a maximum coverage equivalent broadcast facility of 100 watts at 30 meters *(and reduced signal protection therein)*, just as a starting point, it's a struggle to see "*favoritism"* for LPFM as EMF describes. Further, should LPFM be granted a 250 watt service with an antenna height of 100 meters, as we propose, there will *still be* FM translators with signals of 250 watts and antenna height well over 300 meters. LPFM will still be inferior and unequal to FM translators in status. Respectfully, if EMF sees the need to petition for changes in the FM translator rules, that should be addressed in an FM translator specific proceeding, not that of RM-11810. Judging from their massive signals, new nighttime commercial radio *program origination authorization* for daytime AMs and the recent ability to move FM translators up to 250 miles without a major change window, we'd say the smart finger points more away from LPFM compared to FM translators regarding *"favoritism"* and *rules flexibility*. To us, that's another inequality of *status* we hope is fixed in this proceeding. Equal signal protection is the easy and obvious solution. When considering "favoritism," does EMF really make the suggestion that current FM translator licensees start applying the LPFM maximum power and antenna height limit rules to their own FM translator licenses? We'd assume not. RM-11810 and our suggested improvements show that it's actually the other way around.

4- EMF states *"REC fails to mention in its recitation of the statutory history of LPFM regulation that the LCRA was the result of a carefully negotiated agreement between LPFM advocates and broadcast groups, principally the National Association of Broadcasters."* At issue most today are the *new interference problems* that LPFM stations currently experience and are guaranteed to experience with ever-growing degrees into the future. This new interference occurred years after any *"agreement"* was *"negotiated"* and could not be predicted. There is no reason for

LPFM to suffer as a service and to be less protected than its “equal in status” FM translator cousin. Further, NAB does not represent current LPFM licensees and no elected “negotiator” for LPFM has ever been defined. The fact is, LPFM listeners should also be represented, and they have never been. Congress is elected by the people and the people’s will must be reflected in spectrum regulation. That is the reason we refer back to the LCRA, and it states clearly, LPFM stations and FM translators are both *equal in status* and *secondary to primary status FM stations. “Careful negotiations”* or not, LPFM licensees and their listeners were not properly represented. Beyond the fact that FM spectrum is *“not static”* and has increased in spectrum usage and interference level dramatically since then, anything that was *“negotiated”* must be considered moot and not, at all, applicable to this proceeding.

Public issue is defined and at issue. Congress did not call for an end to the LPFM service. Instead, it recognized its value and required, in the LCRA, that the LPFM service should remain *equal in status*; easily read as *equal in spectrum opportunity, facilities and the ability to exist.* Still, since its inception and well after the creation of the LCRA, LPFM has never been equal in status to FM translators.

Today, it’s not uncommon to find an FM translator station operated as though the “primary broadcast station” *(AM or HD2)* is just a studio-to-transmitter-link (STL), instead of an actual broadcast station; normally even hiding the primary station’s AM or HD2 frequency in favor of the frequency of the FM translator alone on the air. Station IDs, jingles, logos and websites are all built around a brand that ignores the *“STL”* frequencies *(AM and HD2 primary frequency)* while only promoting the FM translator frequency. The public expectedly assumes there is one station, the FM translator. Like traditional FM stations who broadcast via typical wireless STL to link their studios to their transmitters, the *STL frequencies* do not get broadcast on air. Suddenly, a primary AM station is reduced to a waste of power as all broadcast efforts revolve around the new, *primary-service-acting*, fully commercial low power FM translator. This is commonplace. It is, for this reason, we ask for rational thought. If LPFM, mandated by rules to be local, is forced to broadcast with such restrictive rules*,* why is the *equal in status* FM translator service allowed so much more *signal coverage, rules flexibility and existence protection* from spectrum changes? Respectfully, if diversity and localism are important to the Commission, shouldn’t the opposite be true? LPFM licensees can only operate one station and FM translators can operate a lot more; still *“unequal differences in status,”* contrary to dictate

from the LCRA, exists as an advantage for FM translators over LPFM.

There has been a recent, rapid crowding of interfering stations on the FM band in nearly every populated area of the country. Upgrading LPFM power to 250 watts with an antenna height at 100 meters is critical to the survival of the service. It's the 2018 version of 2010 LPFM signal equivalency in protection and service contour; and is deserved as much today as it was then. Due to so much fringe signal destructive interference, LPFM also needs this power and antenna boost just to remain equal with *itself*.

Many existing LPFM stations are facing the facts that their basic ability to exist is also threatened as future C4 stations, primary stations that will displace many LPFM stations, are on the horizon. Upgrading LPFM now to 250 watts at 100 meters and adopting the other technical proposals of RM-11810 will be the difference between LPFM stations being able to stay on the air or LPFM stations being forced to send their licenses back to the Commission for deletion. FM translators have assured regulatory protection and an easy path to survival should Class C4 become a reality. LPFM does not. This is a glaring *inequality.* With so many class A stations doubling their primary service power, LPFM faces much more *expensive* transmitter site options due to less availability of tower sites in the limited current LPFM protected contour. This, again, gives FM translators greater *"status"* in the pursuit of free-market lease saving opportunities for tower land, antenna space and, often, office space. This is especially hard as LPFM licensees are usually faced with more financial difficulties than commercial cluster owners, yet, to save the LPFM license, the pool of available transmitter sites is so small in comparison to FM translators, giving an *existence advantage* to FM translators over LPFM stations. This is a blatant recipe for local non-profit organization failure, while, via FCC regulation alone, enables commercial, already well funded broadcasters a more secure spectrum future. We ask for true LPFM equality to FM translators as mandated by the LCRA. The situation will only become more obvious as the hardships for LPFM become greater and the differences in the ***status*** of the secondary services become more apparent.

Section 5 of the LCRA states that the Federal Communications Commission, when licensing new FM translator stations, FM booster stations, and low-power FM stations, shall ensure that--

"FM translator stations, FM booster stations, and low-power FM stations remain equal in

status and secondary to existing and modified full-service FM stations."

The ability to exist is the fundamental assumption made by the word "status." To have a "status," you must first exist. To further understand the LCRA, as written, you must understand the wording they chose to communicate the public's intent. The word *"equal"* is self-defined. The word *"status"* is easily defined. Like most, we trust Webster's Dictionary.

***Status**, noun*

: position or rank in relation to others - the status of a father
: relative rank in a hierarchy of prestige; especially : high prestige

For even further understanding, we must look up the words used to define *status, "rank" "prestige" and "hierarchy"*

According to Webster:

Rank:
: relative standing or position
: a degree or position of dignity, eminence, or excellence : distinction
: high social position - the privileges of rank
: a grade of official standing in a hierarchy

Prestige:
: standing or estimation in the eyes of people : weight or credit in general opinion
: commanding position in people's minds

Hierarchy:
: a body of persons in authority
: the classification of a group of people according to ability or to economic, social, or professional standing

It's very clear that *"equal in status"* as written in the LCRA means LPFM has *equal rights* to the

same *benefits, privileges and authority* as FM translators*. Coverage area alone is a benefit that FM translators have.*

The many signal coverage and protection benefits that FM translators have over LPFM clearly violate section 5 of the LCRA. LPFM stations do not have equal privileges or protection benefits as defined as *"equal in status"* by the LCRA. FM translators have been able to make massive station major moves and create new stations without windows in violation of all previous FCC rules, to shape the FM band into their ideal landscape. While LPFM stations have been required to face new interference and hardship and no options but to suffer. The FM translator service has gained greater authority over the fringe signals of LPFM stations, already vulnerable at inefficient micro-power levels. FM translators can use more efficient methods to shape their signal, LPFM stations are forced to move to a fully spaced location or go off the air completely. Obviously, FM translators rank higher in *existence status* than LPFM according to current regulations.

5- EMF misinterprets the intent of the LCRA with a call for co-channel protections that simply are not implied in the second-adjacent channel process for LPFM. Already established is that LPFM must protect primary stations, simply to broadcast, as required as a secondary service. There is no reason to readdress this during a second adjacent channel waiver process. It is redundant to do so and it is a suggestion by EMF that will lead to an unnecessary burden on Commission staff. Of course, all stations are protected. LPFM is a secondary service. There is no reason to repeat in this section and over-regulate co-channel interference protections covered in other parts of the broadcast rules.

"REC also misstates the language of the LCRA with respect to second-adjacent channel waivers, suggesting such waivers were permitted when the proposed facility will not cause interference to any second-adjacent channel radio service."

EMF follows:

"the Commission has ruled that an LPFM applicant need only demonstrate that it will not cause interference to full-power stations on second-adjacent channels."

There is a proper, well established Commission policy for second adjacent channel waivers for LPFM. It has not caused significant interference issues at all. EMF shows no study nor presentation, and does not make a reasonable case for more regulation. The smallest powered non-commercial service, LPFM, should not have to face further obstacles when it is already so over-regulated and *failing*. Instead, RM-11810 should be something EMF, and other champions of great radio, **fully support**.

6- EMF makes note of Commission policy regarding FM translator interference protection. *"Translators are required to protect all regular listeners of pre-existing FM stations, even if those users are outside of the station's normally protected contours."* There are many who agree that FM translators are unfairly targeted with interference complaints due to over-protection of distant FM stations. Most believe that these rules should lax. Still, this is no reason to impede this petition. This topic should be addressed in an FM translator specific rulemaking petition and is not appropriate here. The benefits of each service can be equally applied to both FM translator & LPFM rules, consolidated into a "Commission staff burden reducing" simple rule structure for both low powered secondary services. Perhaps, in the spirit of equality and spectrum management, both LPFM and program originating FM translators should be limited to a maximum facility of 250 watts and a height limit of 100 meters. Many might argue that most reflects a truer *equality in status than current regulation.*

Conclusion

LPFM is a struggling service. There are glaring inequalities between the FM translator service rules and LPFM rules; diminishing the operational and survival status for LPFM service status beneath the FM translator service, regulatorily. These must be addressed and fixed according to section 5 of the LCRA. We beg for this relief from the Commision now.

LPFM has many regulatory disadvantages that clearly indicate an inequality in status with FM translators.

1 - LPFM technical rules with power and antenna height limits that, in some situations, cause LPFM station signals to barely survive a few blocks during times of tropospheric propagation.

2 - Assignment rules that either require the licensee to become a legally liable “assigner” of the LPFM license or *turn it in for deletion.*

3 - LPFM certified transmitter rules that require the nation’s smallest non-profits, even if they hire local engineers to build their stations, to pay twice as much money to buy their transmitters than FM translator licensees.

4 - LPFM faces a disadvantaged future, unlike FM translators, due to much weaker signals and protected contour moving ability. New translator interference is occurring and over 200 class A stations will probably be able to double their power as class C4s. LPFM is not equal to FM translators in the spirit of the LCRA as it faces certain *signal to interference doom* while FM translators appear to face *massive future growth.*

We respectfully ask that, contrary to unconvincing arguments presented by a few commenters, the Commission grant RECs petition, RM11810 with the exceptions/changes we advocate. Those exceptions/changes are to include:

1- Higher antenna height limit for LPFM. REC does not ask for a change in the current LPFM antenna height, currently 30 meters. However, with such signal contour service and protection advantage for FM translators that broadcast with such extreme antenna height and power in comparison, we feel it is time for the mature LPFM service to be given the standard 100 meter limit that other FM services use as a point of reference; although, at the much lower 250 watt power level. There is no arguing with physics. An efficient “line of sight” FM station broadcasting to hilly terrain, around buildings, and even in cars was proven, long ago, to *require* an antenna elevation of, at least, 100 meters above average terrain. We reply in full agreement with the RM-11810 comment of Jeff Sibert regarding that very antenna height. In the new interference laden FM world, the improved signal will be vital to serving *local area* listeners against new interference from FM translators, potential C4 stations and the intermittent continuing interference and tropospheric propagation interference such a newly crowded spectrum will cause to under-powered LPFM stations. Due to much larger traditional coverage area, FM translators suffer much less interference than LPFM. This is also *unequal in status* and also a violation of the LCRA.

2- We respectfully ask that the Commission deny REC's request for additional regulation for LPFM license assignment processes. The current process is destructive to LPFM as a service and should be re-evaluated, however, not resulting in the addition of useless regulation that adds a new strain on Commission staff, instead, we propose *making the current NCE-FM assignment rules the new LPFM assignment rules.* Current LPFM assignment rules require that licensees are put in the position of "license awarder"; almost able to choose the next licensee by any process. As it is a free transfer of a public license, organizations that feel more qualified can launch legal proceedings that include *the licensee.* This is not an enviable position to be in. The only other option for a failing LPFM station is to return the license to the Commission for deletion. However, often, new spectrum will bring prospectors and a community based LPFM station is removed from the local publics radio forever. Changing the LPFM assignment rules to be those of the proven and proper NCE-FM assignment rules will completely eliminate an unnecessary roadblock to *LPFM service survival* and make stations stronger public servants. Further, it will encourage LPFM licensees to build more valuable stations, thus providing better public service. Using the same rules for both services will, even further, reduce Commission staff workload.

3- We agree with REC and other commenters regarding the need to upgrade LPFM power level to 250 watts. Of the glaring *status inequalities* between LPFMs and FM translators, this is the most obvious and unexplainable. Today, many FM translators are *defacto* 250 watt, *program originating,* commercial services. A notable bias to commercial service over non-commercial service has never existed at the FCC, especially in the full power FM ranks. Still, to the public, other than signal power, FM translators of today are no different than commercial FM and LPFM is no different than NCE-FM. Like their full power cousins, there *should not be a difference in antenna or power level due to commercial class.* In full power, all classes of FM apply to NCE-FM and Commercial FM stations equally. Neither has a technical advantage over the other. The same proven principle should apply at lower levels of power, in the secondary services, as well. However, it does not. Non-commercial LPFM stations are stifled by unnecessary regulations that require it is less than half the power of commercial FM translators. Both FM translators and LPFM services should have equal usable signal coverage and do not. This is another area where LPFM and FM translators are *not equal.*

Respectfully, all of these proposed changes will ease the strain of two rule systems for LPFM

and FM translators and strongly lessen the regulatory burden on Commission staff. We believe contour based spacing actually protects stations best and can reduce costs and delay due to complaint investigation. Drones with cameras are everywhere now. Signal measuring equipment is more affordable than ever. New complaint processes are warranted. The imagined worries of signal interference from LPFM at such a low power level is *yesterday's technical argument.* Today, it's much more easily verifiable. There's no longer a need to restrict LPFM and its ability to reach the local area based on something that has not proven to be a real-world problem. Please grant the REC petition RM-11810 with our proposed changes to increase antenna height to 100 meters and changes of assignment rules for LPFM to be those of NCE-FM.

Respectfully submitted,

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Record
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